

### REMARKS

The Examiner has rejected claims 1, 5 and 7 under 35 USC 102(e) as unpatentable over Chu et al. (U.S. Patent No. 6,774,010). The Examiner has rejected claim 3 under 35 USC 103(a) as unpatentable over Chu et al. (U.S. Patent No. 6,774,010). The Examiner has rejected claim 2 under 35 USC 103(a) as unpatentable over Chu et al. (U.S. Patent No. 6,774,010) in view of Applicant admitted prior art (figure 1, paragraph [0004]). The Examiner has rejected claim 4 under 35 USC 103(e) as unpatentable over Chu et al. (U.S. Patent No. 6,774,010) in view of Yonehara et al. (U.S. Patent No. 5,453,394). The Examiner has rejected claim 6 under 35 USC 103(e) as unpatentable over Chu et al. (U.S. Patent No. 6,774,010) in view of Tayanaka et al. (U.S. Patent No. 6,107,213). The Applicant respectfully traverses. The cited references, either individually or in combination, fail to teach or render obvious all of the limitations of the Applicant's claims. In particular, the cited references fail to teach the element of independent claim 1 of "forming a layer of variable density porous silicon on a top surface of a silicon substrate". In contrast, Chu, Yonehara, and Tayanaka teach forming porous silicon layers of uniform density. Therefore, the Applicant respectfully submits that independent claim 1, and the claims that depend upon and incorporate the limitations of claim 1, are not anticipated or rendered obvious in view of the cited references.

**Petition for Extension of Time Pursuant to 37 C.F.R. 1.136(a)**

Applicant respectfully petitions pursuant to 37 CFR 1.136(a) for a one-month extension of time to file this response to the Office Action mailed October 19, 2005. The extended period is set to expire on February 19, 2006. A check in the amount of \$120.00 is enclosed to cover the fee for a one-month extension of time.

Pursuant to 37 CFR 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, to Deposit Account No. 02-2666.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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